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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/529,971	11/02/2005	Hermann Mayer	10191/3736	6275
26646	7590	07/31/2007		
KENYON & KENYON LLP ONE BROADWAY NEW YORK, NY 10004			EXAMINER CHANG, JOSEPH	
			ART UNIT 2817	PAPER NUMBER
			MAIL DATE 07/31/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/529,971

Applicant(s)

MAYER ET AL.

Examiner

Joseph Chang

Art Unit

2817

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 9-16 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 11 is/are allowed.
- 6) ☒ Claim(s) 9-10, 12-16 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 9, 10 and 12 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Kaenel et al. (cited by the applicant).

Regarding claims 9 and 10, Kaenel et al. discloses a driver device for a voltage-controlled oscillator (Figures 1-3, page 1137), comprising:

an unstable voltage source (V_{dd} , see Fig 1);

a voltage regulator (V_{red} , see also Fig 3);

a driver to generate a control voltage for the oscillator (transistor); and

a feedback loop (PLL, see Fig 2) to control the driver as a function of an output signal of the oscillator (VCO); wherein the voltage regulator supplies the feedback loop with operating voltage (see Fig 1, REGULATED VOLTAGE), while the driver is powered by the unregulated voltage of the voltage source, and the feedback loop compensates for voltage fluctuations of the voltage source with the aid of the driver (left column of page 1137).

Regarding claim 12, the functional recitation is inherently capable of performing the function as recited in the claim because the prior art structure is the same as the structure recited in the claim.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 13-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kaenel et al. in view of Ito et al.

Regarding claim 13, as noted above, Kaenel et al. discloses a driver device for a voltage-controlled oscillator except a filter circuit between voltage source (Vdd) and the driver (transistor), as would have been well known in the art, a filter is used for isolation as shown in Ito et al. (see paragraph [0023]). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to use a filter between the voltage source Vdd and the driver because such a modification would have provided the benefit of isolation as shown in Ito et al.

Regarding claim 14, the filter 71 shown in figure 13 of Ito et al. inherently limits some voltages.

Regarding claim 15, the modification would have resulted in formed of separate components.

Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kaenel et al. in view of Kunert, US Patent 6,621,449.

As noted above, Kaenel discloses the driver as recited in the claim. However, Kaenel does not disclose its application - a radar system for a motor vehicle. As would have been recognized by one of ordinary skill in the art, such a system as shown in Kunert as an example, would have been utilized as an intended application. Therefore, it would have been obvious to one of ordinary skill in the art.

Allowable Subject Matter

Claim 11 is allowed.

Response to Arguments

Applicant's arguments filed 6/29/07 have been fully considered but they are not persuasive.

Regarding applicant comments directed to the rejection of claims 9, 10, and 12 under 35 U.S.C. 102(b) as anticipated by Von Kaenel et al., Applicant argues "The Von Kaenel reference does not identically disclose an Unstable voltage source. Therefore, the Von Kaenel reference also does not disclose or suggest that a feedback loop compensates for voltage fluctuations of a voltage source with the aid of a driver." This

argument is not persuasive because the Vdd is considered unstable due to loading or temperature changes and therefore, the feedback loop is to compensate voltage fluctuations of the Vdd. As for the applicant's argument "the Von Kaenel reference does not identically disclose a voltage regulator", Vred is reduced voltage, which considered "regulate" the Vdd.

Regarding applicant comments directed to the rejection of claims 13-15 under 35 U.S.C. 103(a) as unpatentable over Von Kaenel et al., Applicant argues "The Office Action does not provide any citation for the Ito reference, and the Applicants have been unable to identify the intended reference." As stated in the previous Office Action, Ito et al. US 20020039051 (cited by the applicant) in paragraph [0023] teaches a filter used for isolation.

Regarding applicant comments directed to the rejection of claim 16 under 35 U.S.C. 103(a) as unpatentable over Von Kaenel et al. in view of Kunert, US Patent 6,621,449, Applicant argues "the Von Kaenel reference and the Kunert reference does not and cannot disclose or even suggest all the features of claim 16". This argument is not persuasive because claim 16 is about an intended application of the device of claim 9. The Von Kaenel reference shows all the features and the Kunert discloses a radar system for a motor vehicle as an example of intended application of the driver device.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

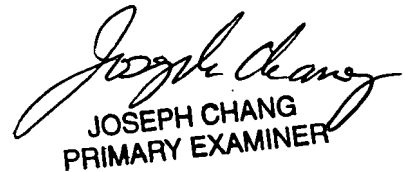
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph Chang whose telephone number is 571 272-1759. The examiner can normally be reached on Mon-Fri 0700-1730.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pascal can be reached on (571) 272-1769. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


JOSEPH CHANG
PRIMARY EXAMINER